

REMARKS

Claims 56-63 are currently pending, of which claims 56, 57, 59, and 60 were rejected under 35 U.S.C. 102(b) as being anticipated by Teicher (U.S. 5,206,488), claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Fulton et al. (U.S. 6,182,052), claims 61-63 were rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Barnett (US 6,321,208).

Applicant has amended claim 56 to more clearly define the invention and added new claim 72 to more fully protect the invention. Claims 57-63 are amended to correct very minor informalities. The amendments made to claim 56 are fully supported by original disclosure, for example, Fig. 21. The step of "outputting an order response" is disclosed in the specification (STEP 150), lines 18-19 on page 28, the steps of "checking a value" and modifying said amount" are disclosed at lines 10-20 on page 5, and the step of "outputting a purchase notice" is disclosed at line 36 of page 28 to line 6 of page 29. Therefore, no new matter adds through the amendments. For the reasons discussed below, withdrawal of the rejections is requested.

Oath/Declaration

The Office Action indicated that the declaration is defective because the indicated second page of the declaration is missing.

Applicants herewith enclose a copy of the complete originally executed declaration including the second page.

Specification

The specification is objected to for incorporation of essential material by reference to foreign applications.

Applicants have amended the specification to cancel the phrase regarding "incorporation by reference", with the belief that those incorporated materials are already contained in the present specification or disclosure. However, if any of the incorporated materials are not contained in the disclosure of the present application, Applicants reserve the right to add them to the present application later.

Drawings

The drawings are objected to for failure to show method steps, such as “receiving an order receipt”, “querying the database”, and “performing a first pre-defined on-pine action”, recited in the claims.

Applicants respectfully traverse the objection for reasons set forth below. 35 U.S.C. 113 requires a drawing to be submitted upon filing *where such drawing is necessary for the understanding of the invention*. “It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawings is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).” MPEP 601.01(f).

All pending claims in the present application are method claims. Applicants believe that a drawing is not necessary for the understanding of the invention as defined by the claims. The Office Action urges Applicant to ensure that that every method step recited is shown in the drawings. However, Applicants are not aware of any laws or rules that require every method step recited in a claim be shown in a drawing.

For the above reason, withdrawal of the objection is requested.

Applicants noticed that the Office Action indicated that “a proposed drawing correction or corrected drawings are required in reply to this Office action to avoid abandonment of the application. The objections to the drawings will not be held in abeyance”. To avoid accidental abandonment of this application (for that purpose only), Applicants propose to add new Fig. 38. Therefore, if the objection is withdrawn, please disregard and do not enter Fig. 38.

Claim Rejections- under 35 U.S.C. 102(a)

Claims 56, 57, 59, and 60 were rejected under 35 U.S.C. 102(b) as anticipated by Teicher (U.S. 5,206,488).

Applicants respectfully traverse the rejection. For reasons discussed below, claim 56 as amended is not anticipated by Teicher.

The amended claim 56 reads as:

A method of making an on-line purchase by a given registered user wherein a database stores identifiers of registered users and a value of a parameter assigned to each registered user, and wherein the given user has a client device, the method comprising the steps of
outputting an order response for an on-line purchase to the client device of

the given registered user in response to an order request for the on-line purchase, the order response including an amount needed to pay for the on-line purchase;

checking a value of the parameter assigned to the given registered user stored in the database, the value of the parameter corresponding to the frequency of accessing messages relating to the on-line purchase;

modifying said amount needed to pay for the on-line purchase according to the value of the parameter assigned to the given registered user;
and

outputting a purchase notice with the modified amount needed to pay.

(emphasis added)

In accordance with the present invention as defined in the amended claim 56, a user of the system and method of the invention can purchase a product on-line at a lower price than its originally set price, since the price is modified for discount based on the value of a parameter which is assigned to the user and corresponds to the frequency of accessing messages relating to the on-line purchase. Thus, the user can be efficiently motivated to view on-line purchase.

Teicher clearly does not teach or suggest the above emphasized features of claim 56.

In the abstract, Techier discloses, "A credit card system comprises a central unit and plurality of local units communicating with the central unit. The central unit includes a central storage device for each subscriber for storing amounts to be charged to the respective subscribers, and each of the local units includes a plurality of local storage devices assignable to the subscriber's, at least one card reader for receiving a subscriber's card and for enabling the subscriber to open a local account, to transfer thereto a predetermined sum from the central unit, and thereafter to order local transactions involving the sale of products or services from the local account, until a specified permitted sum is in the local account. When the local account drops below the permitted sum, a transfer is automatically effected from the subscriber's central storage device. The system thus performs both local and central transactions while minimizing communication with central unit, thereby enabling credit card transactions of low value, and at high-speed."

On the other hand, the amended claim 56 recites a method of making on-line purchase comprising steps of "checking a value of the parameter assigned to the given register user and stored in the database, the value of the parameter corresponding to the frequency of accessing messages relating to the on-line purchase", and "modifying the amount needed to pay for the on-line purchase according to the value of the parameter assigned to the given registered user."

Teicher does not teach or even remotely suggest these features. Throughout his patent, Teicher is totally silent about assigning and check a value corresponding to the accessing frequency of the user and modifying the payment according to the value.

For at least the reasons discussed above, Teicher fails to teach or suggest each and every features recited in claim 56. Therefore, Teicher cannot anticipate claim 56.

Claims 57, 59, and 60 depend from claim 56 and, thus, for at least the same reasons they are not anticipated by Teicher.

Claim Rejections- under 35 U.S.C. 103(a)

Claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Fulton et al. (U.S. 6,182,052).

Claims 61-63 were rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Barnett (US 6,321,208).

In rejecting claim 58, the Office Action cited Fulton to teach the concept of overdraft protection to protect an account from exceeding a set balance. However, Fulton fails to teach or suggest the above emphasized features of claim 56 and, thus, cannot cure the above-discussed deficiencies of Teicher. Therefore, claim 56 as well as its dependent claim 58 are patentable over Teicher and Fulton.

In rejecting claims 61-63, the Office Action cited Barnett to teach an on-line advertisement system with a message and response. . However, Barnett fails to teach or suggest the above emphasized features of claim 56 and, thus, cannot cure the above-discussed deficiencies of Teicher. Therefore, claim 56 as well as its dependent claims 61-63 are patentable over Teicher and Barnett.

New Claim

New claim 72 depends from claim 56 and is believed patentable over the cited references..

Conclusion

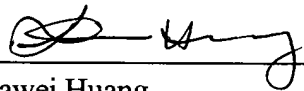
In view of the foregoing amendments and remarks, it is respectfully submitted that claims

56-63 and 72 are patentable over the cited prior art. Allowance of this application is earnestly solicited.

Respectively submitted
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